

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

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U.S. DISTRICT COURT  
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TX EASTERN-MARSHALL

(1) TECHNOLOGY PROPERTIES  
LIMITED, INC. and (2) PATRIOT  
SCIENTIFIC CORPORATION,

Plaintiffs,

vs.

ASUSTeK COMPUTER, INC.,

Defendant.

CASE NO 2 - 08 CV - 227 DF

Jury Trial Demanded

**COMPLAINT FOR PATENT INFRINGEMENT AND DEMAND FOR JURY TRIAL**

Plaintiffs, Technology Properties Limited, Inc. (“TPL”) and Patriot Scientific Corporation (“Patriot”), (collectively “Plaintiffs”), allege the following in support of their Complaint for Patent Infringement and Demand for Jury Trial (“Complaint”) against Defendant, ASUSTeK Computer, Inc. (“ASUSTeK”).

**PARTIES**

1. Plaintiff, Technology Properties Limited, Inc. (“TPL”) is a corporation duly organized and existing under the laws of the State of California and maintains its principal place of business in San Jose, California

2. Plaintiff, Patriot Scientific Corporation (“Patriot”) is a corporation duly organized and existing under the laws of the State of Delaware and maintains its principal place of business in Carlsbad, California.

3. Upon information and belief, Defendant ASUSTeK Computer, Inc. is a Taiwan corporation with its principal place of business in Taipei, Taiwan, R.O.C.

**JURISDICTION**

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C. §§ 101, *et seq.* and 271, *et seq.* This Court has personal jurisdiction over Defendant because Defendant infringes Plaintiffs' patent by offering on its website infringing products to its users and/or customers who reside in, or may be found in, the Eastern District of Texas. Further, Defendant has actually transacted business with users of its website in the Eastern District of Texas.

**VENUE**

5. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b) because Defendant has committed acts of infringement in this district.

**GENERAL ALLEGATIONS**

6. On June 25, 1996, United States Patent No. 5,530,890 ("'890 patent") entitled "High Performance, Low Cost Microprocessor" was duly and legally issued. All rights and interest in the '890 patent were assigned to Patriot Scientific Corporation. A true and correct copy of the '890 patent is attached hereto as Exhibit A.

7. IPL and Patriot are co-owners of the '890 patent. IPL has the exclusive right to enforce and license the '890 patent, and has standing to sue.

**COUNT 1**

(Patent infringement ASUSTeK Computer, Inc.)

8. Paragraphs 1-7 of the Complaint set forth above are incorporated herein by

reference.

9. Upon information and belief Defendant ASUSTeK has infringed and continues to infringe under 35 U.S.C. § 271 the '890 patent.

10. ASUSTeK's acts of infringement have caused damage to Plaintiffs. Under 35 U.S.C. § 284, Plaintiffs are entitled to recover from ASUSTeK the damages sustained by Plaintiffs as a result of its infringement of the '890 patent. ASUSTeK's infringement of Plaintiffs' exclusive rights under the '890 patent will continue to damage Plaintiffs' business, causing irreparable harm, for which there is no adequate remedy of law, unless enjoined by this Court under 35 U.S.C. § 283.

11. Plaintiffs allege, on information and belief, that ASUSTeK's acts of infringement were willful and deliberate.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment against Defendants as follows:

A. For judgment that Defendant ASUSTeK Computer, Inc. has infringed and continue to infringe the '890 patent;

B. For permanent injunctions under 35 U.S.C. § 283 against Defendant and its directors, officers, employees, agents, subsidiaries, parents, attorneys, and all persons acting in concert, on behalf of, in joint venture, or in partnership with Defendant from further acts of infringement;

C. For damages to be paid by Defendant adequate to compensate Plaintiffs for its infringement, including interests, costs and disbursements as the Court may deem appropriate under 35 U.S.C. § 284;

D. For judgment finding that Defendant infringement was willful and deliberate, entitling Plaintiffs to increased damages under 35 U.S.C. § 284;

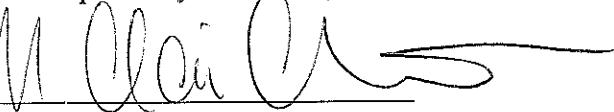
E. For judgment finding this to be an exceptional case against Defendant and awarding Plaintiffs attorney fees under 35 U.S.C. § 285; and,

F. For such other and further relief at law and in equity as the court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to the Federal Rules of Civil Procedure Rule 38, Plaintiffs hereby demand a jury trial on all issues triable by jury.

Dated: June 4, 2008

Respectfully submitted,  
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